

1 Christopher R. Kaup, State Bar No. 014820
2 J. Daryl Dorsey, State Bar No. 024237

2 **IB TIFFANY & BOSCO**
3

3 Third Floor, Camelback Esplanade II
4 2525 East Camelback Road
5 Phoenix, Arizona 85016-4237
6 Telephone: (602) 255-6000
7 Facsimile: (602) 255-0103
8 E-Mail: crk@tblaw.com; jdd@tblaw.com
9 *Attorneys for Nicole P. Hymas*

8 **IN THE UNITED STATES BANKRUPTCY COURT**

9 **IN AND FOR THE DISTRICT OF ARIZONA**

10 In re:

11 **TIMOTHY RAY WRIGHT,**

12 **Debtor.**

13 Chapter 11

14 Case No. 2:09-bk-32244-SSC

15 **NOTICE OF FILING MOTION FOR
16 RELIEF FROM THE AUTOMATIC
17 STAY**

18 Nicole P. Hymas (“Hymas”), a creditor and party-in-interest in the
19 above-captioned proceedings, by and through her undersigned counsel, hereby gives
20 notice of the filing of her *Motion for Relief from the Automatic Stay*. The Motion
21 requests an Order granting relief from the automatic stay of 11 U.S.C. § 362(a) to permit
22 Hymas to exercise her rights and remedies under state law to continue her defense of an
23 appeal currently pending in the Arizona Court of Appeals, Case No. (CV2006-003485)
24 between the Debtor (as Appellant) and her (as Appellee).

25 A copy of the Motion is on file with the Office of the Clerk of the United States
26 Bankruptcy Court at the address shown below and is available for public inspection
during business hours.

1 Any and all objections to the Motion must be made in writing, with the original
2 thereof filed under the above case caption, to:

3 Office of the Clerk
4 United States Bankruptcy Court
5 230 North First Avenue
Phoenix, Arizona 85003

6 with a copy of the written objection served that same day upon the attorney for Hymas
7 whose name and address is:

8 Christopher R. Kaup, Esq.
Tiffany & Bosco, P.A.
9 Third Floor Camelback Esplanade II
10 2525 East Camelback Road
Phoenix, Arizona 85016-4237

11 If no objections are properly filed and served within **14 days** from the date of this
12 Notice, the Court may enter the attached proposed form of Order granting the relief
13 sought in the Motion without any further hearings in this matter.

14 **DATED** this 15th day of June, 2010.
15

16 **TIFFANY & BOSCO, P.A.**

17 By:/s/ Christopher R. Kaup, #014820
18 Christopher R. Kaup, Esq.
19 J. Daryl Dorsey, Esq.
20 Third Floor Camelback Esplanade II
21 2525 East Camelback Road
Phoenix, Arizona 85016-4237
22 *Attorneys for Nicole P. Hymas*

1 **FOREGOING** filed electronically with
2 the United States Bankruptcy Court for
3 the District of Arizona this 15th day of
4 June, 2010, with a **COPY** of the
5 foregoing mailed this same date to:

6 Timothy Ray Wright
7 727 West University Drive
8 Tempe, AZ 85281
9 *Debtor*

10 Howard C. Meyers, Esq.
11 BURCH & CRACCHIOLO, P.A.
12 702 East Osborn, Suite 200
13 Phoenix, AZ 85014
14 hmeyers@bcattorneys.com
15 *Attorneys for Debtor*

16 Ramesh Singh
17 RECOVERY MANAGEMENT SYSTEMS
18 CORP.
19 25 S.E. 2nd Avenue, Suite 1120
20 Miami, FL 33131-1605
21 claims@recoverycorp.com
22 *Agent for GE Money Bank*

23 Thomas Collins, Esq.
24 MARICOPA COUNTY OFFICE OF
25 GENERAL LITIGATION SERVICES
26 301 West Jefferson Street, Suite 3200
Phoenix, AZ 85003
27 collinst005@mail.maricopa.gov
28 *Attorneys for Maricopa County*

29 Thomas C. Axelsen, Esq.
30 SHERMAN & HOWARD, L.L.C.
31 2800 North Central Avenue, Suite 1100
32 Phoenix, AZ 85004-1043
33 taxelsen@shermanhoward.com
34 *Attorneys Pro Se*

35 David E. McAllister, Esq.
36 Josephine E. Piranio, Esq.
37 Brian Paino, Esq.
38 PITE DUNCAN, LLP
39 4375 Jutland Drive, Suite 200
40 P.O. Box 17933
41 San Diego, CA 92177-0933
42 jsalmon@piteduncan.com
43 *Attorneys for JPMorgan Chase Bank,
44 National Association*

45 Mark S. Bosco, Esq.
46 Leonard J. McDonald, Esq.
47 TIFFANY & BOSCO, P.A.
48 2525 East Camelback, Suite 300
49 Phoenix, AZ 85016
50 ljm@tblaw.com; msb@tblaw.com
51 *Attorneys for Bank of Oklahoma, N.A.; fka
52 Bancoklahoma Mortgage Corporation;
53 U.S. Bank, National Association, as
54 Trustee for the Holders of Bear Stearns
55 ARM Trust Mortgage Pass-Through
56 Certificates, Series 2005-10; HSBC Bank
57 USA, National Association as Trustee for
58 MLCC 2007-2; J.P. Morgan Mortgage
59 Acquisition Corp. c/o Servicing Agent
60 Chase Home Finance, L.L.C.; J.P.
61 Morgan Chase Bank, N.A. c/o Servicing
62 Agent Chase Home Finance, LLC; PHH
63 Mortgage Corporation; Northern Trust,
64 N.A.*

1 Bradley J. Stevens, Esq.
2 JENNINGS, STROUSS & SALMON, PLC
3 201 East Washington Street, 11th Floor
4 Phoenix, AZ 85004-2385
bstevens@jsslaw.com

5 *Attorneys for Washington Federal Savings*

6 John R. Clemency, Esq.
7 Janel M. Glynn, Esq.
8 GALLAGHER & KENNEDY, P.A.
9 2575 East Camelback Road
Phoenix, AZ 85016-9225
John.clemency@gknet.com;
Janel.glynn@gknet.com

10 *Attorneys for Bank of America, N.A.*

11 Brian Sirower, Esq.
12 Isaac M. Gabriel, Esq.
13 QUARLES & BRADY LLP
14 Renaissance One
15 Two North Central Avenue
Phoenix, AZ 85004-2391
brian.sirower@quarles.com
isaac.gabriel@quarles.com

16 *Attorneys for Midfirst Bank*

17 Maria Tsagaris, Esq.
18 MCCALLA RAYMER, LLC
19 1544 Old Alabama Road
Roswell, GA 30076-2102
bkmail@prommis.com

20 *Authorized Agent for Wells Fargo Bank, N.A.*

21 Hilary L. Barnes, Esq.
22 THE CAVANAGH LAW FIRM
23 1850 North Central Avenue, Suite 2400
Phoenix, AZ 85004-4527
hbarnes@cavanaghlaw.com

24 *Attorneys for Michael E. Fillion, Trustee for
the Fillion Family Revocable Trust and the
Fillion Decedents Trust*

2 Christopher R. Perry, Esq.
3 Jason P. Sherman, Esq.
4 PERRY & SHAPIRO, L.L.P.
5 3300 North Central Avenue, Suite 2200
Phoenix, AZ 85012
aznotices@logs.com

6 *Attorneys for Chase Home Finance, LLC
and PHH Mortgage Corporation*

7 Dean R. Prober, Esq.
8 PROBER & RAPHAEL
9 20750 Ventura Boulevard, Suite 100
Woodland Hills, CA 91364
dprober@pralc.com

10 *Agents for Specialized Loan Servicing,
L.L.C. and BAC Home Loans Servicing,
L.P.*

11 Margaret A. Gillespie, Esq.
12 COLLINS, MAY, POTENZE, BARAN &
13 GILLESPIE, P.C.
14 201 North Central Avenue, 22nd Floor
Phoenix, AZ 85004-0608
mgillespie@cmpbglaw.com

15 *Attorneys for Compass Bank*

16 James B. Ball, Esq.
17 POLI & BALL, P.L.C.
18 2999 North 44th Street, Suite 500
Phoenix, AZ 85018
ball@poliball.com

19 *Attorneys for JPMorgan Chase Bank, N.A.*

20 Rick D. Sherman, Esq.
21 LAW OFFICES OF RICK D. SHERMAN
22 402 West Roosevelt, Suite J
Phoenix, AZ 85003
ricksherman@qwestoffice.net

23 *Attorneys for Helen I. Dumas, Trustee of
the Dumas Family Trust dated June 6,
1994*

1 Ronald M. Horwitz, Esq.
2 Janessa E. Koenig, Esq.
3 JABURG & WILK, P.C.
4 3200 North Central Avenue, Suite 2000
5 Phoenix, AZ 85012
rmh@jaburgwilk.com
zek@jaburgwilk.com
6 *Attorneys for Wells Fargo Bank, N.A.*

7 Richard G. Himelrick, Esq.
8 TIFFANY & BOSCO, P.A.
9 2525 East Camelback Road, Suite 300
Phoenix, AZ 85016
rgb@tblaw.com
10 *Attorneys for Nicole Hymas*

20 Largest Unsecured Creditors

11 Wells Fargo
12 P.O. Box 10355
13 Des Moines, IA 50306

14 Midfirst Bank
15 3030 East Camelback
Phoenix, AZ 85016

16 Bank of Oklahoma
17 P.O. Box 35688
18 Tulsa, OK 74153-0688

19 Washington Federal
20 425 Pike Street
Seattle, WA 98101

22 Bank of America
23 P.O. Box 15026
Wilmington, DE 19850-5026

24 All parties listed on the Court's Master
25 Mailing Matrix.

26 /s/ Lauri Andrisani

Michelle C. Lombino, Esq.
JABURG & WILK, P.C.
3200 North Central Avenue, Suite 2000
Phoenix, AZ 85012
Attorneys for Wells Fargo Bank, N.A.

Renee Sandler Shamblin, Esq.
OFFICE OF THE US TRUSTEE
230 North First Avenue, Suite 204
Phoenix, AZ 85003
renee.s.shamblin@usdoj.gov
U.S. Trustee

20 Largest Unsecured Creditors

City Wide Home Loans
Customer Service
P.O. Box 5170
Simi Valley, CA 93062-5170

Chase
Customer Service
P.O. Box 9176
Coppell, TX 75019-9176

Compass
P.O. Box 10566
Birmingham, AL 35202-0566

Merrill Lynch
Mortgage Service Center
P.O. Box 5459
Mt. Laurel, NJ 08054-5459

Mike Fillian
14825 South 13th Way
Phoenix, AZ 85048

Bank of America
P.O. Box 21848
Greensboro, NC 27420-1848

1 Christopher R. Kaup, State Bar No. 014820
2 J. Daryl Dorsey, State Bar No. 024237

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3

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5 Phoenix, Arizona 85016-4237
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7 Facsimile: (602) 255-0103
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8 **IN THE UNITED STATES BANKRUPTCY COURT**

9 **IN AND FOR THE DISTRICT OF ARIZONA**

10 In re:

11 **TIMOTHY RAY WRIGHT,**

12 **Debtor.**

13 Chapter 11

14 Case No. 2:09-bk-32244-SSC

15 **ORDER GRANTING MOTION FOR
16 RELIEF FROM THE AUTOMATIC
17 STAY**

18 This matter having come before the Court pursuant to a *Motion for Relief from the*
19 *Automatic Stay* filed by Nicole P. Hymas (“Movant”) on January 14, 2010, at Docket
20 Entry No. 499 (the “Motion”), and the Motion having been properly served and noticed,
21 and good cause appearing;

22 **IT IS HEREBY ORDERED** granting the Motion;

23 **IT IS FURTHER ORDERED** that all stays and injunctions, including the
24 automatic stay imposed by U.S. Bankruptcy Code § 362(a) are hereby immediately
25 vacated and annulled to permit Movant to exercise her rights and remedies under state
26 law to continue her defense of an appeal currently pending in the Arizona Court of

1 Appeals, Case No. (CV2006-003485) between the Debtor (as Appellant) and her (as
2 Appellee).

3 **IT IS FURTHER ORDERED** that Movant and/or its successors or assigns are
4 hereby authorized to take whatever actions Movant deems appropriate to exercise any
5 and all rights and remedies as to the relief sought in the Motion.

6 **IT IS FURTHER ORDERED** that this Order vacating and annulling the
7 automatic stay imposed by U.S. Bankruptcy Code § 362(a) shall be binding and effective
8 in the event the Debtor convert this case to another chapter under the U.S. Bankruptcy
9 Code.

10 **IT IS FURTHER ORDERED** waiving the 14-day stay provided by Rule
11 4001(a)(3), Fed.R.Bankr.P.

12 **DATED AND SIGNED ABOVE.**

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